

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MAURICE L. WHYTE,
Plaintiff

v.

**CENTRE COUNTY
CORRECTIONAL FACILITY,**
Defendant

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No. 1:21-cv-00318

(Judge Kane)

ORDER

AND NOW, on this 9th day of April 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendant's motion to dismiss (Doc. No. 3) is **GRANTED**;
2. The complaint (Doc. No. 1) is **DISMISSED** for failure to state a claim upon which relief may be granted. Plaintiff's claims against CCCF, claims pursuant to Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-2, and claims pursuant to the Second and Fifth Amendments are **DISMISSED WITH PREJUDICE**. Any other constitutional claims that Plaintiff may wish to pursue against individual defendants are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to pursue such claims in Civil Action 1:21-cv-124. Plaintiff may not file an amended complaint in the above-captioned action; and
3. The Clerk of Court is directed to **CLOSE** the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania